

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14917 of 2004

Between:

A.Kantha Rao S/o Ramaiah,

Aged about 36 years, occ: Fair Price Shop Dealer,
R/o H. No. 6/51, Kallur Vilalge, Kurnool Urban Mandal,

Kurnool district.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool, Kurnool District.
- 2 The Revenue Divisional Officer, Adoni, Kurnool District.
- 3 The Assistant Supply Officer, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings in Rc. B. 834/2004 dt 3-8-2004 of the 2nd respondent, as illegal, void, against the principles of natural justice and ultravires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System) order 1973 and consequently direct the respondents herein to restore the authorisation of the Fair Price Shop of the Petitioner situated in Kallur Village, Kurnool Urban Mandal, Kurnool District.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

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The petitioner is an authorized dealer in respect of a Fair Price Shop bearing No.129-No.6 A of Kallur Village. His authorization has been suspended by the 2nd respondent-Revenue Divisional Officer, Kurnool, by an order dated 03-08-2004 pending enquiry into alleged irregularities in distributing the essential commodities. Against the said order, the petitioner preferred an appeal before the 1st respondent-Joint Collector, Kurnool, along with an application for stay of the order of suspension. The petitioner states that the Joint Collector has not considered his appeal so far and no orders have been passed even on his application for stay. Hence, this writ petition to declare the proceedings of the 2nd respondent dated 03-08-2004 as arbitrary and illegal.

Since the statutory appeal preferred by the petitioner against the impugned order of suspension, dated 03-08-2004, is pending before the 1st respondent, I am not inclined to express any opinion on the merits of the case. Instead, in view of the plea of the petitioner that the 1st respondent failed to pass any order on his application for stay, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the application for stay filed by the petitioner in his appeal against the order of suspension, dated 03-08-2004, and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of

one week from the date of receipt of this order. Keeping in view the fact that the petitioner has already distributed the commodities for the month of August, 2004 and since the statutory appeal is pending, I deem it appropriate that there shall also be a direction that the impugned order of suspension, dated 03-08-2004 shall not be given the effect to, till the application for stay is disposed of by the 1st respondent.

Accordingly, the writ petition is disposed of. No costs.

23-08-2004

vs

To

- 1 The Joint Collector, Kurnool, Kurnool District.
- 2 The Revenue Divisional Officer, Adoni, Kurnool District.
- 3 The Assistant Supply Officer, Kurnool District.
- 4 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).
- 5 Two CD copies.

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 23-08-2004